

**LEWIS
AND
ROCA**
LLP
LAWYERS

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,¹

USA Securities, LLC,²

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR
SEPTEMBER 30, 2008 HEARINGS**

Hearing Date: September 30, 2008

Hearing Time: 9:30 a.m.

10:30 a.m.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Agenda for 9:30 a.m.

1. Adv. 06-01146-lbr, USA Commercial Mortgage Company v. Wells Fargo Bank, N.A., et al., **Status conference re: Amended Complaint FOR INTERPLEADER with Certificate of Service** Filed by DAVID W. HUSTON on behalf of USA COMMERCIAL MORTGAGE COMPANY against all defendants [DE 54]

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Answer Filed: Answer to Amended Complaint *by Tomlin Trust*, Crossclaim by
11/20/2006 Tomlin Trust, Donald S and Dorothy Tomlin Trustees against
JOHN ROBERT MALLIN, MARIE THERESA MALLIN,
GEORGE J. MOTTO Filed by GEORGE C LAZAR on behalf of
Tomlin Trust, Donald S and Dorothy Tomlin Trustees [DE 75]

12/04/2006 Answer to Amended Complaint *with certificate of service* Filed
by C RANDALL BUPP ESQ on behalf of PORTER A HURT
[DE 79]

Status: Hearing continued from 12/15/2006, 2/15/2007, 3/15/2007,
3/27/2007, 5/31/2007, 12/14/2007, 2/21/2008, 4/17/2008,
5/08/2008, and 7/24/2008.

2. Adv. 06-01251-lbr, USACM Liquidating Trust v. Reale, et al., **Motion to
Compel Motion to Compel Defendant to Respond to Post-Judgment Discovery** Filed by
ERIC D. MADDEN on behalf of USACM LIQUIDATING TRUST [DE 159]

Status: Continued from 8/26/2008

Agenda for 10:30 a.m.

1. Adv. 08-01135-lbr, USACM Liquidating Trust v. Wells Fargo Bank, N.A.,
**Motion to Dismiss Adversary Proceeding *For Lack of Subject Matter Jurisdiction with
Certificate of Service*** Filed by KENT F. LARSEN on behalf of WELLS FARGO BANK,
N.A [DE 8]

Stipulation Filed: Stipulation By USA CAPITAL DIVERSIFIED TRUST DEED
6/16/2008 FUND, LLC, USA CAPITAL FIRST TRUST DEED FUND,
LLC, USACM LIQUIDATING TRUST and Between Defendant
*WELLS FARGO BANK, N.A. and Proposed Order to Enlarge
Time to File Response* Filed by LISA TSAI on behalf of USA
CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, USA
CAPITAL FIRST TRUST DEED FUND, LLC, USACM
LIQUIDATING TRUST [DE 12]

6/19/2008 Stipulation and Order to Enlarge Time to File Response to
Defendant's Motion to Dismiss (Related document(s))[12]
Stipulation, , filed by Plaintiff USA CAPITAL DIVERSIFIED
TRUST DEED FUND, LLC, Plaintiff USA CAPITAL FIRST
TRUST DEED FUND, LLC, Plaintiff USACM LIQUIDATING
TRUST.) [DE 13]

1	6/25/2008	Stipulation By USA CAPITAL DIVERSIFIED TRUST DEED
2		FUND, LLC, USA CAPITAL FIRST TRUST DEED FUND,
3		LLC, USACM LIQUIDATING TRUST and Between Defendant
4		WELLS FARGO BANK, N.A. <i>and Proposed Order to Enlarge</i>
5		<i>Briefing Schedule and Continue Hearing Date</i> Filed by LISA
6		TSAI on behalf of USA CAPITAL DIVERSIFIED TRUST
7		DEED FUND, LLC, USA CAPITAL FIRST TRUST DEED
8		FUND, LLC, USACM LIQUIDATING TRUST [DE 14]
9	7/02/2008	Amended Stipulation By USA CAPITAL DIVERSIFIED TRUST
10		DEED FUND, LLC, USA CAPITAL FIRST TRUST DEED
11		FUND, LLC, USACM LIQUIDATING TRUST and Between
12		Defendant WELLS FARGO BANK, N.A. <i>and Proposed Order to</i>
13		<i>Enlarge Briefing Schedule and Continue Hearing Date</i> Filed by
14		LISA TSAI on behalf of USA CAPITAL DIVERSIFIED TRUST
15		DEED FUND, LLC, USA CAPITAL FIRST TRUST DEED
16		FUND, LLC, USACM LIQUIDATING TRUST [DE 15]
17	7/08/2008	Amended Stipulation and Order to Enlarge Briefing Schedule and
18		Continue Hearing Date on Defendant's Motion to Dismiss filed by
19		Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND,
20		LLC, Plaintiff USA CAPITAL FIRST TRUST DEED FUND,
21		LLC, Plaintiff USACM LIQUIDATING TRUST [DE 16]
22	7/21/2008	<i>Response to Defendant's Motion to Dismiss for Lack of Subject</i>
23		<i>Matter Jurisdiction</i> Filed by ERIC D. MADDEN on behalf of
24		USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
25		USA CAPITAL FIRST TRUST DEED FUND, LLC, USACM
26		LIQUIDATING TRUST [DE 18]
27	7/31/2008	Stipulation and Proposed Order to Enlarge Time to File Reply to
28		Response to Defendant's Motion to Dismiss for Lack of Subject
29		Matter Jurisdiction, filed by Plaintiff USA CAPITAL
30		DIVERSIFIED TRUST DEED FUND, LLC, Plaintiff USA
31		CAPITAL FIRST TRUST DEED FUND, LLC, Plaintiff USACM
32		LIQUIDATING TRUST [DE 20]
33	Reply to Motion to	Reply with Certificate of Service <i>to Response to Motion to</i>
34	Dismiss Filed:	<i>Dismiss Plaintiffs' Original Complaint for Lack of Subject Matter</i>
35	8/13/08	<i>Jurisdiction</i> Filed by KENT F. LARSEN on behalf of WELLS
36		FARGO BANK, N.A.
37	Advisory to the	<i>Advisory to the Court by Fulbright & Jaworski LLP with</i>
38	Court Filed:	<i>Certificate of Service</i> Filed by KENT F. LARSEN on behalf of
39	9/05/08	WELLS FARGO BANK, N.A.

Sur-Reply to Motion to Dismiss Filed: 9/15/08 Limited Reply *Sur-Reply in Opposition to Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction* Filed by ERIC D. MADDEN on behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, USA CAPITAL FIRST TRUST DEED FUND, LLC, USACM LIQUIDATING TRUST

Response to Sur-Reply Filed: 9/22/08 Response with Certificate of Service *to Limited Sur-Reply in Opposition to Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction* Filed by KENT F. LARSEN on behalf of WELLS FARGO BANK, N.A.

Status: Continued from 7/14/2008 and 8/26/2008

2. Adv. 08-01135-lbr, USACM Liquidating Trust v. Wells Fargo Bank, N.A., **Scheduling Conference** [DE 4]

Complaint Filed: 4/12/08 Complaint Filed by USACM Liquidating Trust, USA Capital Diversified Trust Deed Fund, LLC, USA Capital First Trust Deed Fund, LLC vs. Wells Fargo Bank, N.A. [DE 1]

Motion to Dismiss Filed: 5/28/08 Motion to Dismiss Adversary Proceeding *For Lack of Subject Matter Jurisdiction with Certificate of Service* Filed by WELLS FARGO BANK, N.A. [DE 8]

Status: No further action to be taken until ruling on Motion to Dismiss.

3. Adv. 08-01121-lbr, USACM Liquidating Trust v. Fertitta Enterprises, Inc., **Complaint** Filed by USACM LIQUIDATING TRUST vs. FERTITTA ENTERPRISES, INC. [DE 1]

Status Continued from 8/26/2008

4. Adv. 08-01093-lbr, USACM Liquidating Trust v. Joseph D. Milanowski, **Complaint** Filed by USACM LIQUIDATING TRUST vs. JOSEPH D. MILANOWSKI [DE 1]

Status Continued from 8/26/2008

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